

Chapter 19

CONTEMPT OF COURT*

19.1 INTRODUCTION

Lawyers in practice should be familiar with the law on contempt of court. Lawyers have been directly involved in contempt of court claims. Lawyers were accused of committing contempt of court in many cases,¹ alone² and with other parties,³ including clients.⁴ This liability has extended to various forms of contempt of court, including failing to fulfil a court order,⁵ evading service of a court order,⁶ breach of an undertaking,⁷ scandalising the court,⁸ *sub judice*⁹ and contempt in the face of the court.¹⁰ Such proceedings have been initiated by parties¹¹ and even judges on their own motion.¹² The sentences imposed on lawyers for contempt of court include being struck off the Rolls of practice;¹³ paying a fine of RM10,000 on the

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1 Such as in *Karam Singh v. PP* [1974] CLJU 60; *Re Kumaraendran, An Advocate & Solicitor* [1975] CLJU 152 and *PP v. Seeralan Suppiah* [1985] 1 CLJ 524; [1985] CLJ (Rep) 230.

2 Such as in *Capital Insurance v. B.S. Sidhu* [1995] CLJU 306; *Chung Onn v. Wee Tian Peng* [1996] CLJU 101 and *Shahinudain Shariff v. Mohd Amin bin Hasbollah* [1998] CLJU 311.

3 Such as in company directors in *Metro Giant Group Sdn Bhd v. Gala Sari Resources Sdn Bhd & Ors (No. 2)* [2007] CLJU 104, employees in a company in *Achieva Technology Sdn Bhd v. Lam Yen Ling & Ors* [2009] CLJU 432, and a businessman in *Tan Sri Dato' (Dr) Rozali Imaail & Ors v. Lim Pang Cheong & Ors* [2012] 2 CLJ 849.

4 Such as in *Lai Cheng Chong v. PP* [1993] CLJU 33; *Koperasi Serbaguna Taiping Barat Bhd v. Lim Joo Thong* [1998] CLJU 663 and *Lee Ngan Fatt & Anor v. Tham Hua Kong & Ors* [2005] 1 CLJ 826.

5 Such as in *Lee Lim Huat v. Yusuf Khan Ghows Khan & Anor* [1997] 3 CLJ 197.

6 Such as in *Wee Choo Keong, Hwang Hai Hong & Anor v. MBf Holdings Bhd & Anor And Other Appeals* [1995] 4 CLJ 427.

7 Such as in *Md Amin Md Yusof & Satu Lagi v. City Villa Sdn Bhd* [2004] CLJU 51.

8 Such as in *Attorney General & Ors v. Arthur Lee Meng Kuang* [1986] CLJU 61.

9 Such as in *Tai Choi Yu v. Ian Chin Hon Chong* [2002] 2 CLJ 259.

10 Such as in *Probil Sonati Development Sdn Bhd v. Hodan-R Sdn Bhd; Lt CDR (B) Mohammed Azmi Mohd Said* [2009] 2 CLJ 738.

11 Such as in *Syarikat Bekalan Air Selangor Sdn Bhd v. Fadha Nur Ahmad Kamar & Anor* [2012] 6 CLJ 93.

12 Such as in *Anthony Ratos Domingos Ratos v. City Specialist Centre Sdn Bhd (t/a City Medical Centre) (Attorney General, Intervener)* [1996] CLJU 596.

13 Such as in *Ishmahel Lazamana v. East India Company* (1829) 1 Kyshe's Reports 4.